

Mettham, Suzanna (Law)

From: Publicker, Suzanna (Law)
Sent: Thursday, July 25, 2013 4:32 PM
To: 'Brian E. Lee'; 'Nat Smith'; wakretz@seiffkretz.com; 'Bruce M. Brady'; 'Merry Soetanto'; radomg@mcblaw.com
Cc: john.lenoir@gmail.com; mborg@ckbblaw.com; Smith-Williams, Qiana (Law); Lichterman, Ariel (LAW); Seligman, Rachel A. (Law)
Subject: RE: Draft discovery plan after our conference

I'm writing to memorialize the telephone call we just had today (07/25/13) from 3:00pm-4:30pm.

Scheduling of Adrian Schoolcraft Deposition - All co-defendants agreed that Sweet granted Mauriello and City D's one day of deposition and Medical Defendants would get a second day. Plaintiff consented to this. We have reserved August 26-27th for Schoolcraft's depositions. August 26th - Mauriello/City Ds / August 27th - Medical Defendants.

Scheduling of Marino Deposition - August 29th.

Scheduling of Mauriello Deposition - September 10th.

Scheduling of Lauterborn Deposition - August 22nd.

Scheduling of Lamstein Deposition - Dr. Lamstein is not a defendant, and thus her deposition cannot be "noticed," rather it must be subpoenaed. City Defendants will accept service of a subpoena for her. Regardless, she is on maternity leave, and cannot be produced until the end of December. City Defendants note that a subpoena must be issued for *any* non-party, but that City Defendants will accept service of a subpoena on City employees.

Scheduling of Caughey Deposition - Caughey is retired, and I am working on locating him. His deposition will be confirmed when he is located. Tentatively scheduled for September 25-26th.

Scheduling of Isakov Deposition - September 27th

Scheduling of Aldana-Bernier Deposition - September 20th

Scheduling of JHMC 30(b)(6) Deposition - Wait until end of September to figure out what type of 30(b)(6) witness is needed.

Scheduling of Larry Schoolcraft Deposition - October 8th.

AEO Stip - Plaintiff must review documents and specifically describe them in writing and provide the reason that he believes that the documents should not be AEO. City Defendants will then review the documents, and determine whether the AEO designation can or should be listed. Only after a negative response from City Defendants, will plaintiff write to the Court for a ruling on those documents.

Discovery End Date - December 20, 2013 - agreed upon by co-defendants. Nat Smith disagrees, but cannot provide a date that he would prefer. He will provide a date "short of December." Recommended was that Nat Smith should circulate an email with the individuals that he would like to depose, and a decision about the end date of discovery would be made based on that.

Expert Discovery - Nat Smith won't agree to the expert schedule in the discovery schedule provided by Brian Lee. He will think about this and get back to us by Monday by email.

Inspections/Production - Nat Smith requested inspections of 81st Precinct and Jamaica Hospital Medical Center. City Ds informed him that he must issue a formal Notice of Inspection, indicating specifically what areas of the Precinct he would like to see, who will be present, and what equipment would be present. Such an inspection will take at least two weeks to process. JHMC indicated that if video or photos were to be taken, then privacy issues would be involved and also requested a formal letter. Nat Smith also indicated an intention to inspect the apartment in which Schoolcraft was living at the time.

Mr. Smith also indicated that he wanted the return of Mr. Schoolcraft's property, currently in the custody of the NYPD. City Defendants indicated that any request for the return of evidence would require a letter in writing from Mr. Smith, indicating what particularly needs to be returned. City Defendants will not accept an email for this purpose - any such request must be on Mr. Smith's letterhead and list all property specifically that he seeks to

have returned.

Brian Lee requested the recordings made by Larry Schoolcraft at JHMC. John Lenoir indicated that Larry Schoolcraft told him personally that he had no recordings. Nat Smith stated that plaintiff's counsel does not have "custody or control" of any recordings from Larry Schoolcraft. JHMC would like a formal written response indicating that.

Present for the parties were:

Greg Radomisli - JHMC
Brian Lee - Isakov
Bruce Brady - Aldana-Bernier
Nat Smith, John Lenoir - Schoolcraft
Suzanna Mettham - City Ds
Walter Kretz - Mauriello

Sincerely,

Suzanna Publicker Mettham

Please note my new telephone number below

Tel. No.: (212) 356-2372

From: Brian E. Lee [mailto:brianelee@idjlaw.com]

Sent: Thursday, July 25, 2013 4:26 PM

To: 'Nat Smith'; wakretz@seiffkretz.com; 'Bruce M. Brady'; 'Merry Soetanto'; Publicker, Suzanna (Law); radomg@mcblaw.com

Cc: john.lenoir@gmail.com; mborg@ckbbllaw.com; Smith-Williams, Qiana (Law); Lichterman, Ariel (LAW); Seligman, Rachel A. (Law); brianelee@idjlaw.com

Subject: Draft discovery plan after our conference

Draft 6.0 attached. It is understood that items 7 and following will be the subject of future emails or discussion next week.

Thank you.

Sincerely,

Brian E. Lee
Ivone, Devine & Jensen, LLP
2001 Marcus Avenue
Lake Success, NY 11042
(516) 326-2400
Fax (516) 328-0661
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From: Nat Smith [mailto:natbsmith@gmail.com]
Sent: Thursday, July 25, 2013 3:07 PM
To: wakretz@seiffkretz.com; 'Brian E. Lee'; 'Bruce M. Brady'; 'Merry Soetanto'; 'Suzanna Publicker Mettham'; radomg@mcblaw.com
Cc: john.lenoir@gmail.com; mborg@ckbbblaw.com; qwilliam@law.nyc.gov; alichter@law.nyc.gov; 'ACC Rachel Seligman-Weiss'
Subject: RE: Schoolcraft - Thursday July 25, 2013 Conference Call

Walter, Are you joining us on the confernce call? Nat

From: wakretz@seiffkretz.com [mailto:wakretz@seiffkretz.com]
Sent: Wednesday, July 24, 2013 8:49 PM
To: Brian E. Lee; 'Bruce M. Brady'; 'Merry Soetanto'; Suzanna Publicker Mettham; radomg@mcblaw.com
Cc: natbsmith@gmail.com; john.lenoir@gmail.com; mborg@ckbbblaw.com; qwilliam@law.nyc.gov; alichter@law.nyc.gov; ACC Rachel Seligman-Weiss
Subject: Re: Schoolcraft - Thursday July 25, 2013 Conference Call

Thanks Brian.
Walter A. Kretz, Jr.

Scoppetta Seiff Kretz & Abercrombie
444 Madison Avenue, 30th Floor
New York, NY 10022

212-371-4500
212-371-6883 (fax)

From: "Brian E. Lee" <brianelee@idjlaw.com>
Date: Wed, 24 Jul 2013 19:45:08 -0400
To: 'Bruce M. Brady' <bbrady@ckbbblaw.com>; 'Merry Soetanto' <msoetanto5@gmail.com>; <spublick@law.nyc.gov>; <radomg@mcblaw.com>; <wakretz@seiffkretz.com>
Cc: <natbsmith@gmail.com>; <john.lenoir@gmail.com>; <mborg@ckbbblaw.com>; <qwilliam@law.nyc.gov>; <alichter@law.nyc.gov>; <rseligma@law.nyc.gov>
Subject: RE: Schoolcraft - Thursday July 25, 2013 Conference Call

Counsel:

I have drafted a new version of the discovery plan and it is attached. Hopefully this will give us some framework for working through things in our telephone conference tomorrow. Thoughts, suggestions, comments, etc., welcome. If anyone wants an additional category

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inserted for discussion, just let me know. This was we can work through an agenda in an orderly fashion.

Thank you for your courtesy.

Sincerely,

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